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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,111

06/14/2006

Keiichi Sakano

MAT-8857US

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02/03/2010

RATNERPRESTIA

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EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

02/03/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,111	<b>Applicant(s)</b> SAKANO, KEIICHI	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

1. Applicant's election without traverse of claims 1, 2, 5, 7 and 8 in the reply filed on 11/17/2009 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Asato (US Pat. No. 7, 302, 158).

Regarding claim 1, Asato teaches a non-linear editing device, comprising: a random accessible and detachable first material storage part; a random accessible second material storage part; a material reference management part for managing a reference to a material file from a clip that is a direct operation object used by a user for accessing the material file stored in at least one of the first material storage part and the second material storage part (see col. 14 line 63-col. 15 line 2, operation input signal is inputted by the user to the CPU 53, thus the CPU reads out A/V data (material file) stored on HDD by making reference to file management, see also figure 1) ; and a material copy management part for copying a copy original material file stored in the first material storage part to the second material storage part as a copy destination material file, and requesting the material reference management part to change reference information so as to

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allow a clip referring to the copy original material file to refer to the copy destination material file (see col. 14 lines 55-62 and col. 15 lines 3-61 second material data inserted, referring the original file to refer to destination file).

Regarding claim 2, Asato discloses the material reference management part includes: a material location table expressing a corresponding relation between a material ID for uniquely identifying the material file and a material location specifying a storage place of the material file (see figure 7 and col. 18 line 52-col. 19 line 21); and a clip material reference table expressing a corresponding relation between the clip and a material ID to which the clip refers (see col. 10 lines 23-51).

Regarding claim 5, Asato teaches the material reference management part includes a clip material reference table expressing a corresponding relation between the clip and a material location specifying a storage place of the material file to which the clip refers (see figures 6A-C, 7-8 and col. 11 line 55-col. 12 line 16).

Regarding claim 7, Asato teaches the material copy management part copies at least a material file that is to be edited among the copy original material files stored in the first material storage part to the second material storage part as the copy destination material file 9see abstract, col. 14 line 50-col. 15 line 17).

Regarding claim 8, Asato teaches the material reference management part manages a reference starting point and a reference termination point of the material file to which the clip refers to (see figure 10 and col. 14 lines 16-46); and the material copy management part copies a region including a section designated by the reference starting point and the reference termination point designated by editing in the copy original material file stored in the first

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material storage part to the second material storage part as the copy destination material file (see col. 13 line 55-col. 14 line 32 and figure 15), and requests the material reference management part to change reference information so as to allow the clip referring to the copy original material file to refer to the same section of the copy destination material file (see col. 14 lines 33-46).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Examiner, Art Unit 2621  
January 31, 2010

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